

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

JOHN HENRY RAMIREZ,

*

Civil Action No. 2:12-CV-410

Petitioner,

*

**The Honorable Judge
Nelva Gonzalez Ramos**

v.

*

BOBBY LUMPKIN, Director,

*

**Texas Department of Corrections,
Correctional Institutions Division,**

*

Respondent.

*

**CAPITAL CASE
PENDING EXECUTION DATE:
September 8, 2021**

ADVISORY

COMES NOW, Seth Kretzer, appointed counsel for John Henry Ramirez, and files this advisory concerning a Motion to Stay Execution filed in the parallel section 1983 suit transferred to Judge Hittner.

By way of background, in August 2020, Ramirez filed a “spiritual advisor” claim under section 1983. It was later non-suited by agreement with the Attorney General’s Office to withdraw Ramirez’s execution date, then set for September 2020. On August 10, 2021, a new section 1983 suit was filed and transferred by order of this Court to the Houston Division where it was assigned to Judge Hittner.

On August 17, Judge Hittner entered an order concerning the timing of any Motion to Stay:

ORDER

The State of Texas has set death row inmate John Henry Ramirez's execution for September 8, 2021. On August 10, 2021, Ramirez filed a complaint under 42 U.S.C. § 1983 alleging that the State will conduct his execution under conditions that will violate his religious rights. With the short time remaining before Ramirez's execution date, the Court sets the following schedule:

- Ramirez will file any motion for a stay of execution or for a preliminary injunction on or before **August 18, 2021**.
- The Defendants will file any dispositive motions and any response to Ramirez's motion to stay or for an injunction on or before **August 23, 2021**.
- The parties will file all replies or other papers on or before **August 26, 2021**.

Also on August 17, the undersigned filed a motion to clarify whether the term "any motion for a stay of execution" pertained only to the section 1983 case or included the habeas matter pending in this Court. A second order issued on August 17, clarifying that the above-quoted portion of the order was confined to the 1983 case pending in that court.

On August 18, the undersigned filed a Motion to Stay execution. A copy is attached as an exhibit to this advisory.

Also on August 18, an advisory was filed in the section 1983 case. A copy of that advisory is attached as an exhibit to this advisory.

If the motion to stay is denied, Counsel will appeal to the Fifth Circuit Court of Appeals, and, if necessary, to the Supreme Court. Counsel does not plan to file any additional claims or habeas actions before the scheduled execution. Counsel does not anticipate any third parties will intervene.

Respectfully submitted this 18 day of August 2021,

/s/ Seth Kretzer

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CERTIFICATE OF SERVICE

I certify that I have served the foregoing document via the Court's CM/ECF system on Counsel for Respondent on this the 18th day of August 2021.

/s/ Seth Kretzer
Seth Kretzer